IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE Dr. JUSTICE G.YETHIRAJULU

WRIT PETITION No. 16645 of 2004

Between:

Mohd. Kaleemuddin, S/o.Mohd. Saleemuddin, aged 37 years,
R/o.10-11-771/82/30, Awaisipura, Masab Tank,
Hyderabad.

..... PETITIONER

AND

1 Central Power Distribution Company Ltd.,

rep.by its Chairman-cum-M.D., Singareni bhavan,
Khairtabad, Hyderabad.
2 Superintending Engineer, (Operation circle) RR.APCPDCL.

Mint Compound,Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ of mandamus or any other appropriate writ or orders or direction declaring the impugned action of the respondent in letter No.SE/OP/RRC/(s) ADM/D.No.2299/02 dt. 21-11-2002 and in not absorbing petitioner as illegal, arbitrary and voilation of principles of natural justice apart from violation of fundamental rights guaranteed under article 14, 16 and 21 of the Constitution of India, with a consequential direction to the respondent to forthwith absorb the petitioner.

Counsel for the Petitioner: MR.DASARI VIJAYA KUMAR

Counsel for the Respondents: MR.S.RAVINDRANATH

The Court at the admission stage made the following:

ORDER:

The petitioner contends that he is working as a contract labour in the respondent company. He joined the respondent company on 02.02.1996 and worked till 1998. He further contends that the respondent entered into an agreement with the recognized unions, issued in B.P.Ms.No.36, dated 18.05.1997 for absorption and regularization of the contract labour into regular vacancies in initial cadre to the extent of 50% of the vacancies existing as on the date.

2. The grievance of the petitioner is that when the petitioner made an application for the post of L.D.C., in pursuance of a notification, issued by the respondent, calling applications for the posts of sub-engineers, L.D.C, Typists etc., the respondent, having received the application, scrutinized the same and issued a letter to the petitioner on 05.12.2001 requiring him to produce the service certificate and other documents. The petitioner submitted the particulars, but the respondents did not pass any orders.

3. The petitioner filed W.P.No.12247 of 2004 before this Court for declaring the results of the petitioner. This Court disposed of the said Writ Petition, directing the 2nd respondent to communicate the copy of rejection order dated 21.11.2002 to the petitioner within a period of 10 days from the date of receipt of a copy of the order. As per the directions of this Court, the 2nd respondent communicated the order copy to the petitioner on 18.08.2004 rejecting his candidature on the ground that he did not furnish agreement number and check measurement date in the service certificate, and the service certificate furnished by him, along with the application form, did not establish that he worked under a contractor. The petitioner, therefore, approached this Court through this Writ Petition to declare that the order dated 21.11.2002 passed by the

2nd respondent as illegal, arbitrary and in violation of the principles of natural justice.

4. In W.P.No.23583 of 2003 a Single Bench of this Court passed an order on 16.08.2004, which reads as follows:

> " Having regard to the facts and circumstances of the case, the impugned order dated 21.11.2002 is set aside and the respondents are directed to verify whether the service certificate produced by the petitioner is genuine one or not, in the sense that whether the contractor signed and the counter signature of the Divisional Engineer, A.P.Transco, Chevella is genuine or not; and if the said certificate is found to be genuine, the respondents are directed to consider the case of the petitioner for his absorption in accordance with B.P.Ms.No.36 dated 18.05.1997 and pass appropriate orders within a period of two months from the date of receipt of a copy of this order."

5. The learned counsel for the petitioner submits that the petitioner is also placed under similar circumstances, therefore, it would be appropriate to pass similar order in this Writ Petition also. The learned counsel for the petitioner further submits that though the petitioner produced all the relevant documents, they were not properly scrutinized and considered by the respondents. Therefore, he requested to direct the 2nd respondent to once again go through those documents and pass appropriate orders after scrutinizing them.

6. Having regard to the circumstances explained by the petitioner, the order of the 2nd respondent dated 21.11.2002 is set aside. The respondents are directed to verify whether the documents produced by the petitioner are genuine or not, whether the signatures of the Engineers, said to be obtained by the petitioner on the certificate dated 30.12.1998, are genuine or not, and if all the documents produced by the petitioner are found to be genuine, the respondents shall consider the case of the petitioner for his absorption into regular vacancy, in accordance with B.P.Ms.No.36, dated 18.05.1997, and pass appropriate orders within a period of two months from the date of receipt of a copy of this order.

7. The Writ Petition is, accordingly, disposed of.

dsr/svs

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To:

1. The Chairmand-cum-Managing Director,

Central Power Distribution Company Ltd.,

Singareni Bhavan, Khairtabad, Hyderabad

2. The Superintending Engineer,

(Operation Circle) Rangareddy (South)

APCPDCL Mint Compound, Hyderabad

3. Two CD copies.